

## **Town of Tyringham, MA**

### **PLANNING BOARD MEETING**

**September 10, 2012**

**Town Hall – 7:00 P.M.**

#### **Approved Minutes**

Chair Jerry Miller called the meeting to order at 7:05 pm.

**Board members present:** Ed Nardi, Jerry Miller, Christina Alsop, Barbara Palmer

**Public in attendance:** Jim Fawcett, Mark Williams, Maggie Howard, Brian and Sidney Urquhart

The board welcomed Christina Alsop as the Associate Board Member

The 7/23/12 Meeting Minutes were approved with a few changes: The spelling of Jeremiah Pollard's name, removing the reference to "the other large building" in the informal presentation write up, and changing "formally" to "formerly" in the same paragraph.

#### **Action required on any building permits, ANRs, etc**

- The Town sent a list of all residents owing back taxes. The board must not issue permits to anyone owing money to the town and should check this list prior to issuing of permits or approvals.
- Notice received of training session on Chapter 40d. the affordable housing law
- Courtesy notice from Great Barrington and Monterey. Jerry will call the town of Monterey clerk to find out if issue is of concern to Tyringham.
- Commonwealth notice of grant opportunity for hazard mitigation
- Various building permits: 105 Main Rd, 63A Goose Pond Rd, 147 Main Rd, 45 Lakeside Dr, 120 Main Rd

#### **Public Comment**

Mark Williams, of Jerusalem and Fernside Rd. Mark and his wife own 50 acres abutting Fernside Rd in Lee and Jerusalem Road. He heard about plans presented for the Knowles farm, which would change the nature of the property. He is concerned and wants to find out as much as he can. The plans would affect his property, and he is concerned about the impact on the neighborhood.

Jerry asked if all members of the public are here on the same issue. Confirming this, Jerry explained the reason for the informal presentation on 7/23. The board allows applicants to bring in preliminary thoughts on an application for an informal presentation. He noted that the board was told not to ask questions during the presentation, since the presentation was not a hearing. Jerry said the only information the applicant received from the board was an explanation of the process. They were told that once an application is filed, the board has 65 days to hold a hearing for a special permit. The abutters would be invited. Jerry emphasized that this board does not hold meetings without inviting public participation. The board is here to serve the town and does its best to inform town residents. Formal agendas are posted at town hall by Thursday before the meeting and all approved meeting minutes are posted on the town website. Jerry said he would not allow an applicant to appear before the board if they had not contacted the board in time to be included on the agenda. Once an application is received, it will be posted at town hall and as much as possible on the town website to allow optimum access to all interested residents.

In response to a question, Jerry clarified that the applicant would submit the application at a meeting and there may be dialogue to clarify, make sure the application is complete, or to make amendments.

Questioned about whether the buyer or the current owner makes the application for the change of use, the board explained that it is the buyer, and there is usually a contingency in the contract with the seller. The permit is only issued once the sale has gone through.

Jerry noted that he recommended that the applicant get to know the town and meet with smaller groups of neighbors in advance of filing the application.

Mark asked about the regulations that govern how the application is reviewed. Jerry explained that Special Permit applications are judged under bylaw 7.3.3. Jerry read some of the bylaw out loud. The applicants said they would file under Consumer Service Establishment, which is a facility that serves and benefits the public, such as a restaurant or an event space.

Sydney Urquhart asked if this was invoked when the “Camelot” property applied for a Special Permit. The board noted this application was withdrawn and the board can not answer.

Sydney also explained that they are not abutters, but live on the road. Do they not have a voice? Jerry stated that everyone who wants to be is heard. There is an order to the hearing, with town officials speaking first, abutters next, and then others in the neighborhood.

Jerry asked that the word be passed on that no application has been filed and that nothing has yet proceeded. He also explained that should the board approve the Special Permit, the board can impose any restriction: for instance all outside lights must be off at 9 pm. The permit could be renewable, and Yes, special permits are revocable.

Ed explained that the board can't be arbitrary or capricious, but that the board can decide that something is not appropriate for the town.

Jerry noted that the AG reviews our decision. The board must articulate facts. This is important to show that the board has based the decision on testimony. The Public brings up the facts. The Board votes on the application and writes up the final decision.

### **Update on progress of Wi-Spring tower construction**

To address a question from the public, Jerry skipped in the agenda to Wispring: Jerry updated that Crispin met with setbacks when putting in the foundation for the fixed wireless tower off George Cannon Rd: he hit rock ledge, had to do extra work. When putting in electricity from George Cannon Rd, they could not bury the line the required 18 inches and had to put a concrete cap on the whole line. Once the foundation is ready, the tower will go up quickly. Crispin has been getting a lot of calls. He asked that residents please direct calls to Molly at the town offices, not him. He is updating Molly regularly.

### **Old Business**

The continued review of Wireless bylaw 6.7 and Chip Brodeur's suggestions/recommendations was tabled to 10/15 for Robin and Rich's return. Chip suggested a division into two processes, one for fixed wireless, one for large cell towers. All in favor of tabling. Jerry explained history to Christina.

### **New Business**

**Use of the Tyringham eBulletin Board as a method of communication?** Bill Cosel asked to have the board use the TEBB. Jerry is not in favor of using a private email list for town business. Town website should be made user friendly. Minutes are on the website once approved. Draft minutes are available in hard copy in the town office. They are not to be circulated until approved.

It would be desirable for the Town to have an official email list. Town residents should know to go to the website, and the board would like to promote the website. Government business should be on a government medium.

Jerry cautioned that the planning board needs to be careful to be very fair; communications must be sent to all, not just to select people. The PB had run into problems with this in the past when information was forwarded via informal private distribution lists.

The board agreed that we will not use TEBB as the official medium; however we will work to make the website more user-friendly and in addition to posting our minutes, we will post our agendas prior to the meetings.

### **Update of the Planning Board's Rules & Regulations?**

All agreed that this is a priority, to allow residents to understand the work of the board. We will go over the draft at the next meeting on 9/24. Jerry asked everyone to review the draft in advance and bring in any suggested changes.

### **Other business that may come before the Board.**

None.

### **Adjournment**

8:32 pm

BP to find abutter definition. Jerry to contact attorney

Next Planning Board meeting – September 24, 2012 – 7:00 P.M. – Town Hall

Respectfully submitted,  
Barbara Palmer